

FIRST REGULAR SESSION

SENATE BILL NO. 491

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR KLINDT.

Read 1st time March 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1875S.011

AN ACT

To repeal sections 302.137, 304.027, 304.028, 476.055, 488.010, 488.012, and 488.5332, RSMo, and to enact in lieu thereof seven new sections relating to court costs, with penalty provisions and an expiration date for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 302.137, 304.027, 304.028, 476.055, 488.010, 488.012, and 488.5332, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 302.137, 304.027, 304.028, 476.055, 488.010, 488.012, and 488.5332, to read as follows:

302.137. 1. There is hereby created in the state treasury for use by the department of public safety a fund to be known as the "Motorcycle Safety Trust Fund". All judgments collected pursuant to this section, appropriations of the general assembly, federal grants, private donations and any other moneys designated for the motorcycle safety education program established pursuant to sections 302.133 to 302.138 shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the department of public safety, be received and expended by the department of public safety for the purpose of funding the motorcycle safety education program established under sections 302.133 to 302.138. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the motorcycle safety trust fund at the end of any biennium shall not be transferred to the general revenue fund.

2. In all criminal cases, including violations of any county ordinance or any violation of criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of one dollar. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

or municipality.

3. Such surcharge shall be collected and distributed by the clerk of the court as provided in sections 488.010 to 488.020, RSMo. The surcharge collected pursuant to this section shall be paid to the state treasury to the credit of the motorcycle safety trust fund established in this section.

4. This section shall expire June 30, 2007.

304.027. 1. There is hereby created in the state treasury for use by the board of curators of the University of Missouri a fund to be known as the "Spinal Cord Injury Fund". All judgments collected pursuant to this section, appropriations of the general assembly, federal grants, private donations and any other moneys designated for the spinal cord injury fund established pursuant to this section, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the board of curators, be received and expended by the board for the purpose of funding research projects that promote an advancement of knowledge in the area of spinal cord injury. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the spinal cord injury fund at the end of any biennium shall not be transferred to the general revenue fund.

2. In all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. The surcharge collected pursuant to this section shall be paid into the state treasury to the credit of the spinal cord injury fund created in this section.

3. This section shall expire June 30, 2007.

304.028. 1. There is hereby created in the state treasury for use by the Missouri Head Injury Advisory Council a fund to be known as the "Head Injury Fund". All judgments collected pursuant to this section, federal grants, private donations and any other moneys designated for the head injury fund shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the office of administration, be received and expended by the council for the purpose of transition and integration of medical, social and educational services or activities for purposes of outreach and short-term supports to enable individuals with traumatic head injury and their families to live in the community, including counseling and mentoring the families. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the head injury fund at the end of any biennium shall not be transferred to the general revenue fund.

2. In all criminal cases including violations of any county ordinance or any violation

of criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality.

3. Such surcharge shall be collected and distributed by the clerk of the court as provided in sections 488.010 to 488.020, RSMo. The surcharge collected pursuant to this section shall be paid to the state treasury to the credit of the head injury fund established in this section.

4. This section shall expire June 30, 2007.

476.055. 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, RSMo, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080, RSMo, requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2009, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class D felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with the joint legislative committee on court automation. Such committee shall consist of the following:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee;
- (4) The chair of the senate judiciary committee;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

9. Section 488.027, RSMo, shall expire on September 1, 2009. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2011.

[10. This section shall expire on September 1, 2011.]

488.010. As used in [sections 488.010 to 488.020 and section 488.005] **this chapter**, the following words and phrases shall mean:

(1) "Court costs", the total of fees, miscellaneous charges and surcharges, imposed in a particular case;

(2) "Fees", the amount charged for services to be performed by the court;

(3) "Miscellaneous charges", the amounts allowed by law for services provided by individuals or entities other than the court;

(4) "Surcharges", additional charges allowed by law which are allowed for specific purposes designated by law;

(5) "Traffic violation case", a nonfelony case filed under chapters 301, 302, 304, 307, or 390, RSMo, except for those traffic offenses involving operating a motor vehicle or watercraft while intoxicated or under the influence of intoxicants or drugs; operating a vehicle with a counterfeited, altered, suspended, or revoked license; resulting in personal injury or property damage to another person; or fleeing or attempting to elude an officer.

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible for collecting court costs shall collect the court costs authorized by statute, in such amounts as are authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.

2. The supreme court shall set the amount of court costs authorized by statute, at levels to produce revenue which shall not substantially exceed the total of the proportion of the costs associated with administration of the judicial system defrayed by fees, miscellaneous charges and surcharges.

3. Prior to adjustment by the supreme court, the following fees, costs and charges shall be collected:

(1) Five dollars for the filing of a lien, pursuant to section 429.090, RSMo;

(2) Ten dollars for maintaining child support enforcement records, pursuant to section 452.345, RSMo;

(3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section 473.618, RSMo;

(4) Three dollars for receiving and keeping a will, pursuant to section 474.510, RSMo;

(5) [Seven dollars] For the statewide court automation fund, pursuant to section 476.053, RSMo[.];

(a) Thirty dollars for each civil case filed in the circuit division;

(b) Twenty dollars for each civil case filed in the associate division;

(c) Thirty dollars for each case filed in the probate division;

(d) Ten dollars for each case filed in the small claims division;

(e) Ten dollars for applications for trial de novo of a municipal ordinance violation;

(f) Ten dollars for each case filed in the juvenile division;
(g) Fifteen dollars for each case disposed as a misdemeanor;
(h) Twenty-five dollars for each case disposed as a felony;
(i) Ten dollars for each traffic violation;
(j) Ten dollars for each civil infraction;
(k) Ten dollars for municipal ordinance violations filed before an associate circuit judge;

(l) Thirty-five dollars for each case filed with the court of appeals;
(m) Thirty-five dollars for each case filed with the supreme court;

(6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance violations filed before an associate circuit judge and thirty dollars for applications for a trial de novo of a municipal ordinance violation, pursuant to section 479.260, RSMo;

(7) Five dollars for small claims court cases where less than one hundred dollars is in dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345, RSMo;

(8) Fifty dollars for appeals, pursuant to section 483.500, RSMo;

(9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo, pursuant to section 483.530, RSMo;

(10) Forty-five dollars for applications for a trial de novo for misdemeanor cases, pursuant to section 483.530, RSMo;

(11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section 483.530, RSMo;

(12) Thirty dollars for each information or indictment filed in felony cases, pursuant to section 483.530, RSMo;

(13) Fifteen dollars for each associate circuit court case filed, and one dollar for each additional summons issued in such cases, pursuant to section 483.530, RSMo;

(14) Forty-five dollars for applications for trial de novo from small claims court and associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530, RSMo;

(15) One dollar and fifty cents for a certificate of naturalization, pursuant to section 483.535, RSMo;

(16) When letters are applied for in probate proceedings, pursuant to section 483.580, RSMo, when the value of the estate is:

(a) Less than \$10,000.....	\$ 75.00
(b) From \$10,000 to \$25,000.....	115.00
(c) From \$25,000 to \$50,000	155.00
(d) From \$50,000 to \$100,000.....	245.00
(e) From \$100,000 to \$500,000.....	305.00

(f) More than \$500,000..... 365.00;

(17) Thirty dollars for each additional twelve months a decedent's estate remains open, pursuant to section 483.580, RSMo;

(18) In proceedings regarding guardianships and conservatorships, pursuant to section 483.580, RSMo:

(a) Twenty-five dollars for each grant of letters for guardianship of a minor;

(b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;

(c) Sixty dollars for each grant of letters for guardianship of the person and conservatorship of the estate of a minor;

(d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's estate case remains open;

(e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of incapacitated persons and their estates;

(f) Thirty dollars for each additional twelve months an incapacitated person's case remains open;

(19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section 483.580, RSMo;

(20) In probate proceedings, pursuant to section 483.580, RSMo:

(a) Thirty-five dollars for the collection of small estates;

(b) Thirty-five dollars for involuntary hospitalization proceedings;

(c) Thirty dollars for proceedings to determine heirship;

(d) Fifteen dollars for assessment of estate taxes where no letters are granted;

(e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;

(f) Forty dollars for proceedings to dispense with administration;

(g) Twenty dollars for proceedings to dispense with conservatorship;

(h) Twenty-five dollars for admitting a will to probate;

(i) One dollar per copied page and one dollar and fifty cents per certificate;

(21) One dollar and fifty cents per page for testimony transcription, pursuant to section 485.100, RSMo;

(22) Fifteen dollars for court reporters, pursuant to section 485.120, RSMo;

(23) Three dollars for witness fees per day, and four dollars when the witness must travel to another county, pursuant to section 491.280, RSMo.

488.5332. 1. In all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of one dollar. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the

proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. Moneys collected from this surcharge shall be payable to the independent living center fund created in section 178.653, RSMo.

2. This section shall expire June 30, 2007.

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